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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/518,318  | 09/29/2005  | Alan Bradburn        | 12400-024           | 6734             |
| 757 7590 08/15/2008<br>BRINKS HOFER GILSON & LIONE<br>P.O. BOX 10395<br>CHICAGO, IL 60610 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| FREEDMAN, LAURA   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3616  |             |                      |                     |                  |
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| 08/15/2008  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/518,318

**Applicant(s)**

BRADBURN, ALAN

**Examiner**

LAURA FREEDMAN

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-11 is/are allowed.  
6) ☒ Claim(s) 12-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)  
3) ☐ Information Disclosure Statement(s) (PTO/SG/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The amendment filed 09 May 2008, in which claims 1, 2, 5, 7, 8, and 11 were amended and claims 12-20 were added, has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-15, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyake et al. (JP05-077342). Miyake et al. disclose:

- Air-bag (can be seen in drawings) formed from an element of laminar material having a shape and configuration equivalent to that of the air-bag when inflated
- Central polygonal region (for example, including region and shape shown in figure 7) having at least four generally linear side edges
- Protruding flaps (for example, including #1-4) including upper and lower flaps and at least two side flaps, and having side edges co-aligned with the side edges of the central polygonal region (can be seen in figures 3-7)
- At least one infill element (for example, including portions of flaps that overlap and are adjacent each other, near corners of central polygonal region) defined between at least one of the side flaps and at least one of the upper and lower flaps

- The flaps being inwardly folded to overlie the central polygonal region and at least partially to overlie each other, the infill element lying between respective adjacent flaps, and the flaps being secured to form the air-bag (see drawings)
- Aperture (for example, including #6) able to receive a gas generator (paragraph 0014)
- Reinforcement is provided around the aperture (if needed; paragraph 0014)
- At least one of the infill elements is of triangular form (for example, including triangular portions of flaps that overlap and are adjacent each other, near corners of central polygonal region)
- The upper and lower flaps and the side flaps are secured by means of adhesive (paragraph 0015)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake et al. (JP05-077342) as applied to claims 12-15, 19, and 20 above. In regards to claims 16 and 17, Miyake et al. disclose two opposed edges and two side edges of the central polygonal region carrying the upper and lower flaps and the side flaps, respectively (can be seen in figures 3-7). Miyake et al. do not specifically disclose the

flaps being of substantially rectangular form. It would have been an obvious matter of design choice to vary the shape of the flaps since such a modification would have involved a mere change in the shape of a component, which is generally recognized as being within the level of ordinary skill in the art and would yield predictable results.

In regards to claim 18, Miyake et al. disclose adhesive provided at every folded portion (including paragraph 0015), and the drawings (including figures 3-7) show the process of folding each flap inward toward the central polygonal region (can be seen in figures 3-7). While Miyake et al. do not specifically disclose the exact location of the adhesive with respect to each piece of the air-bag, it would have been obvious to one skilled in the art at the time the invention was made to locate the adhesive in places that would allow the air-bag to maintain the folded configuration. Further, it would have been an obvious matter of design choice to specifically locate the adhesive strips as claimed, since applicant has not disclosed that this configuration solves any stated problem or is for any particular purpose, since it would yield predictable results, and since it appears that the invention would perform equally well with the adhesive as disclosed by Miyake et al.

***Allowable Subject Matter***

6. Claims 1-11 are allowed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keshavaraj discloses an air-bag with a central polygonal region and protruding flaps, the flaps being secured to form the air-bag.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LAURA FREEDMAN** whose telephone number is (571)272-2442. The examiner can normally be reached on Monday-Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura Freedman  
Examiner  
Art Unit 3616

/Paul N. Dickson/  
Acting SPE of Art Unit 3616